

IC 15-3-4.6

Chapter 4.6. Weed Control Board

IC 15-3-4.6-1

Establishment by county ordinance

Sec. 1. (a) As used in this chapter, "authorizing body" means the body that has the power to adopt ordinances under IC 36-1-3-6.

(b) The authorizing body of any county may, on its own initiative or after receiving a petition signed by five percent (5%) of the registered voters of the county, establish by ordinance a weed control board.

As added by Acts 1981, P.L.161, SEC.1.

IC 15-3-4.6-2

Noxious weeds

Sec. 2. The following are noxious weeds under this chapter:

- (1) Canada thistle (*Cirsium arvense*).
- (2) Johnson grass and *Sorghum alnum* (*Sorghum halepense*).
- (3) Bur cucumber (*Sicyos angulatus*).
- (4) Shattercane (*Sorghum bicolor* (L.) Moench spp. *drummondii* (Steud.) deWet).

As added by Acts 1981, P.L.161, SEC.1. Amended by P.L.182-1989, SEC.3; P.L.99-1998, SEC.2.

IC 15-3-4.6-3

Members of board; appointment; term; vacancies; election of officers; compensation and expenses; employees; inspectors

Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

- (1) one (1) township trustee of the county;
- (2) one (1) soil and water conservation district supervisor;
- (3) a representative from the agricultural community of the county;
- (4) a representative from the county highway department or an appointee of the county commissioners; and
- (5) a cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman, and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and

report their findings to the board and the executive director, if any.
As added by Acts 1981, P.L.161, SEC.1.

IC 15-3-4.6-4

Powers and duties

Sec. 4. The powers and duties of the weed control board include:

- (1) taking all necessary and proper steps to control and contain noxious weeds which have adverse significance on agricultural production in this state;
- (2) entering upon any land, public or private, at any reasonable time after giving forty-eight (48) hours notice to the person in possession of the land to inspect for noxious weeds, unless permission is granted to enter earlier;
- (3) purchasing supplies, material, and equipment;
- (4) acquiring by gift or purchase, holding, or disposing of, any real property in the name of the board, to include such facilities as offices, laboratories, operational buildings, rights-of-way and easements;
- (5) making contracts for the purpose of carrying out the duties of the board;
- (6) entering into cooperative agreements with appropriate organizations for the purpose of assuring technical assistance in developing and carrying out the purposes of the board;
- (7) identifying problems determined to be of importance to the public welfare and developing control programs appropriate to each situation;
- (8) undertaking investigations to determine the extent of infestation of noxious weed species, along with their effect on agricultural production in the county;
- (9) employing the latest technological advances to control and contain noxious weeds in the county;
- (10) accepting gifts and grants of money, services or property for any use consistent with the objectives of the board;
- (11) exercising all other powers necessary to carry out the purposes of this chapter; and
- (12) performing such additional duties as the authorizing body may prescribe.

As added by Acts 1981, P.L.161, SEC.1.

IC 15-3-4.6-4.1

Marijuana eradication program

Sec. 4.1. In addition to its powers and duties in section 4 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county under IC 33-37-8 and by amounts appropriated from the county general fund.

As added by P.L.185-1983, SEC.1. Amended by P.L.192-1986, SEC.13; P.L.305-1987, SEC.10; P.L.98-2004, SEC.96.

IC 15-3-4.6-5

Property owners; obligation to control and contain noxious weeds; issuance and service of removal notice

Sec. 5. (a) The weed control board shall require persons owning real estate located anywhere in the county and persons owning easements, rights-of-way or other similar interests in real estate located in the county to control and contain any noxious weeds growing on that property.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board and served by certified or registered mail addressed to the latest address of the person or to the person's resident agent. In the alternative, notice may be served personally by the county sheriff.

(c) The weed control board shall notify the township trustee when the board has sent a notice to a person to remove noxious weeds growing on real estate in the township.

As added by Acts 1981, P.L.161, SEC.1. Amended by P.L.99-1998, SEC.3.

IC 15-3-4.6-5.4

Cutting or destroying noxious weeds by board; certified statement of costs sent to property owner; amount placed on tax duplicate; disposition of funds; government property; loss of tax exemption

Sec. 5.4. (a) If a person fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed in section 5 of this chapter, the weed control board may pay for the chemicals, equipment, and labor performed in cutting or destroying noxious weeds under this chapter at a rate per hour to be fixed by the weed control board commensurate with local hourly wages.

(b) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the weed control board. When the bill has been approved, the weed control board shall pay the bill from the county general fund, unless the county has established a separate fund for the weed control board. The weed control board shall certify the cost of the work, adding to the bill twenty dollars (\$20) per day for each day that a member of the weed control board or the board's agent supervises the performance of the services required under this chapter as compensation for services. The certified statement of costs must include a description of the real estate on which the labor was performed.

(c) The certified statement of costs prepared under subsection (b) must be:

- (1) sent by certified mail to; or
- (2) personally served on;

the owner or person possessing the real estate. The certified statement must be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

The statement must request that the person pay the cost of performing the service under subsection (b) to the weed control board.

(d) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (c), the weed control board shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(e) The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (g) through (i), the amount claimed shall be collected as taxes are collected.

(f) After an amount described in subsection (e) is collected, the funds must be deposited in the weed control board fund, if one has been established by the county, for use at the discretion of the weed control board. If a weed control board fund has not been established by the county, the funds collected must be deposited in the county general fund.

(g) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(h) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16). The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the weed control board the amount set forth in the certified statement of costs for real estate owned by the municipality.

(i) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

As added by P.L.99-1998, SEC.4. Amended by P.L.90-2002, SEC.380.

IC 15-3-4.6-5.6

Duties of county auditor regarding certified statement of costs

Sec. 5.6. Except as provided in section 5.4 of this chapter, the county auditor, upon receiving and filing the weed control board's certified statement as prescribed in this chapter, shall:

- (1) immediately place the amounts on the tax duplicate of the county;
- (2) collect the amounts at the next tax paying time, in the same manner as other state, county, or township taxes are collected, including penalties, forfeitures, and sales; and
- (3) after the amount has been collected, place the amount in the proper fund.

As added by P.L.99-1998, SEC.5.

IC 15-3-4.6-6**Failure to initiate compliance with board recommendation; Class C infraction**

Sec. 6. Any person who fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed under section 5 of this chapter, is guilty of a Class C infraction.

As added by Acts 1981, P.L.161, SEC.1.

IC 15-3-4.6-7**Cooperative extension service; technical assistance**

Sec. 7. The Purdue University cooperative extension service shall provide technical assistance to any weed control board in order to control and contain the growth and spread of noxious weeds.

As added by Acts 1981, P.L.161, SEC.1. Amended by P.L.40-1993, SEC.16.